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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 JEFFREY MARSHALL,

No. CIV S-04-1841-LKK-CMK

12 Plaintiff,

13 vs.

ORDER

14 FAIRFIELD POLICE  
15 DEPARTMENT, et al.,

16 Defendants.  
17 \_\_\_\_\_/

18 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brings this civil  
19 rights action pursuant to 42 U.S.C. § 1983. On April 13, 2005, the court granted plaintiff's  
20 request for leave to proceed in forma pauperis. The court also dismissed plaintiff's complaint  
21 with leave to amend. The court's April 13, 2005, order directed plaintiff to file an amended  
22 complaint within 30 days. Since that order was issued, plaintiff has filed two notices of change of  
23 address. The record reflects that the court's April 13, 2005, order was re-served after the court  
24 received the first notice of change of address. The record, however, does not reflect re-service  
25 after plaintiff filed the second notice of change of address. In the interest of justice, the court will  
26 re-serve its prior order and allow plaintiff an additional opportunity to file an amended complaint

1 as directed.

2           Next, on July 29, 2005, plaintiff filed a request for reconsideration of findings and  
3 recommendations, and on August 8, 2005, August 12, 2005, and September 7, 2005, plaintiff filed  
4 documents purporting to be objections to findings and recommendations. Because no findings  
5 and recommendations have been issued to date in this case, these filings (Docs. 15, 17, 18, and  
6 21) will be disregarded.

7           Finally, on August 15, 2005, plaintiff filed a request for additional time to conduct  
8 discovery (Doc. 19), and on September 21, 2005, plaintiff filed a request that the court direct  
9 service of his complaint (Doc. 22). Plaintiff is advised that, until he files an amended complaint  
10 and the court conducts an initial review as required by law, the court cannot direct service or open  
11 discovery. Therefore, these requests will be denied without prejudice to renewal, if necessary, at  
12 an appropriate stage in the proceedings.

13           Accordingly, IT IS HEREBY ORDERED that:

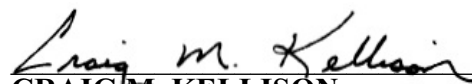
14           1.     Plaintiff's documents filed July 29, 2005 (Doc. 15), August 8, 2005 (Doc.  
15 17), August 12, 2005 (Doc. 18), and September 7, 2005 (Doc. 21), are disregarded;

16           2.     Plaintiff's requests filed August 15, 2005 (Doc. 19), and September 21,  
17 2005 (Doc. 22), are denied without prejudice;

18           3.     The Clerk of the Court is directed to re-serve the court's April 13, 2005,  
19 orders on plaintiff at his current address of record; and

20           4.     Within 30 days of the date of service of this order, plaintiff shall file and  
21 serve an amended complaint as directed by the court's April 13, 2005, order.

22 DATED: September 26, 2005.

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24   
25 **CRAIG M. KELLISON**  
26 UNITED STATES MAGISTRATE JUDGE